

## **REMARKS**

Claims 19-21, 23, 24 and 76-90 were pending in this application. In this Office Action, the Examiner contends that claim 19 links inventions 1-20, *i.e.*, 20 different angiogenic diseases. As such, Applicants respectfully request that when claim 19 is found allowable the restriction requirement be withdrawn and the non-elected subject matter be rejoined and fully examined. See Manual of Patent Examining Procedure (MPEP) (8th edition, 2001), rev. February 2003, § 809.

In order to be fully responsive, Applicants hereby provisionally elect the invention hemangiomas, with traverse.

The MPEP states that restriction is proper only when (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner to search and examine the claims to the independent or distinct inventions. See MPEP § 803.

Applicants submit that inventions 1-20 are related inventions; they are neither independent nor distinct. Specifically, inventions 1-20 relate to methods of treating different types of angiogenic diseases. Contrary to the Examiner's allegation, inventions 1-20 relate to methods that share the same objective (*i.e.*, to increase the amount of angiostatin *in vivo*) and criteria for success (*i.e.*, to inhibit blood vessel formation). As such, related inventions 1-20 have been improperly restricted. See MPEP § 803.

In the alternative, Applicants respectfully request that the invention hemangiomas be examined together with the invention ocular angiogenic disease.

Even assuming arguendo that the inventions hemangiomas and ocular angiogenic disease are independent and distinct inventions, Applicants submit that examination of two inventions are not unduly burdensome. The Examiner's attention is respectfully directed to Section 803 of the MPEP:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (emphasis added)

Applicants submit that the examination of hemangiomas and ocular angiogenic disease (*e.g.*, diabetic retinopathy, retinopathy of prematurity, macular degeneration, corneal graft rejection, neovascular glaucoma, retrolental fibroplasia, and rubeosis) only require a search of eight specific angiogenic diseases, and that the search and examination of eight diseases does not constitute serious burden on the Examiner.

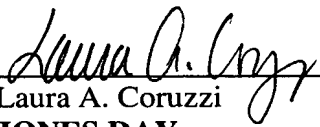
In view of the foregoing, Applicants respectfully request that the restriction requirement be withdrawn.

Applicants reserve the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicants respectfully request that the above remarks be entered and made of record in the file history of the instant application.

Respectfully submitted,

Date: August 24, 2004

  
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